NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 06/20/2005
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 03/24/2005.

TITLE: Southeast Region Bycatch Reduction Device Certification Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0345
EXPIRATION DATE: 06/30/2008

BURDEN:	RESPONSES	HOURS	COSTS($,000)
Previous	4,926	7,500	338
New	5,290	6,899	339
Difference	364	-601	1
Program Change		0	0
Adjustment		-601	1

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
DOC/NOAA/NMFS/Southeast Regional Office

2. OMB control number b. [ ] None
a. 0648 - 0345

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [ ] Revision of a currently approved collection
c. [✔] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by / /
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify: /

7. Title
Southeast Region Bycatch Reduction Device Certification Family of Forms

8. Agency form number(s) (*if applicable*)

9. Keywords
'fisheries, fishing vessels'

10. Abstract

Persons seeking to obtain certification for bycatch reduction devices to be used on shrimp vessels in the Gulf of Mexico or South Atlantic must apply for authorization to conduct tests and submit the test results. Persons seeking certification to be observers for such tests in the Gulf of Mexico must file an application and provide two references. The information is needed for NOAA to determine if the equipment meets the standards that would allow its use in commercial fisheries.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. x Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [✔] Required to obtain or retain benefits
c. [ ] Mandatory

13. Annual recordkeeping and reporting burden

a. Number of respondents	32
b. Total annual responses	5,290
1. Percentage of these responses collected electronically	0 %
c. Total annual hours requested	6,899
d. Current OMB inventory	7,500
e. Difference	601
f. Explanation of difference	
1. Program change	
2. Adjustment	601

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*

a. Total annualized capital/startup costs	0
b. Total annual costs (O&M)	339
c. Total annualized cost requested	339
d. Current OMB inventory	338
e. Difference	1
f. Explanation of difference	
1. Program change	
2. Adjustment	1

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. ___ Program planning or management
b. ___ Program evaluation f. x Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting *(check all that apply)*
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [✔] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [ ] Other (describe)

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: James Nance, Ph.D.
Phone: (409) 766-3507

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

(i) Why the information is being collected;

(ii) Use of information;

(iii) Burden estimate;

(iv) Nature of response (voluntary, required for a benefit, mandatory);

(v) Nature and extent of confidentiality; and

(vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature signed by John Oliver	Date 12/29/2004
Signature of NOAA Clearance Officer	
Signature signed by Ira M. Grossman	Date 01/18/2005

SUPPORTING STATEMENT
SOUTHEAST REGION BYCATCH REDUCTION DEVICE
CERTIFICATION FAMILY OF FORMS
OMB CONTROL NO. 0648-0345

INTRODUCTION

This document consists of 2 parts: Part 1 (Gulf of Mexico), and Part 2 (South Atlantic). This 2-part structure is appropriate because the protocols for the South Atlantic and Gulf of Mexico differ based on variances between the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council, and the corresponding testing and certification conditions. The 2 Councils are considering future action to standardize the protocols under future rule-making, but intend that the protocols (and corresponding analyses) remain separate in the interim period prior to those actions. No procedural changes are proposed in this renewal.

PART 1 SUPPORTING STATEMENT
BRD Testing and Certification for Shrimp Fisheries
Gulf of Mexico
Southeast Region
OMB CONTROL NO. 0648-0345

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone (EEZ) is the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (Magnuson-Stevens Act), as amended. Amendment 9 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico requires the use of certified BRDs in all penaeid shrimp trawls in the EEZ in the Gulf of Mexico within the 100-fathom contour west of Cape San Blas, Florida. Amendment 9 also contains a framework procedure for establishing and modifying the BRD testing protocol, for certifying BRDs and their specifications. A copy of the applicable portion of the regulations governing this collection is attached (50 CFR 622.41(h)). No procedural changes are proposed in this renewal.

Trawling in the Gulf of Mexico shrimp fisheries results in large amounts of finfish being discarded dead. Impacts of bycatch and discards result in significant biological waste, biological overfishing of target and bycatch species, economic losses in finfish fisheries, modification of biological community structure, and may result in unacceptable mortality on threatened, or endangered species. The Gulf of Mexico Fishery Management Council is concerned about the magnitude of bycatch of overfished species in shrimp trawls. The Gulf of Mexico Fishery Management Council prepared Amendment 9 to reduce the adverse impacts of shrimp trawls and thereby assist in the recovery of these resources.

Shrimp fishermen in the affected EEZ areas are required to use BRDs that have been approved by NMFS. The development of BRDs is a dynamic process. As fishermen and other people become more knowledgeable about the behavior of fish in shrimp trawls, they will develop new

ideas on ways to reduce the incidental catch of different species of concern while minimizing the loss of shrimp.

In the Gulf, the first stage, an optional pre-certification phase, consists of an individual applying to the RA for a letter of authorization (LOA) to conduct a preliminary evaluation of a prototype BRD. The objective of the pre-certification phase is to provide a mechanism whereby an individual can experiment with the design, construction, and configuration of a prototype BRD for as long as 60 days to evaluate and improve the design's effectiveness at reducing the bycatch of red snapper. There is no formal observer requirement during this 60-day period. Assuming that the applicant tows four standard shrimp trawls, the applicant would be authorized to remove or disable an existing BRD in one net to act as a control, and one net would be equipped with the prototype BRD; all other nets under tow during this phase would continue to use certified BRDs. Any authorized applicant who subsequently applies for BRD certification testing of this design must include the results of the pre-certification evaluation with the certification application. Therefore, for each paired tow, the applicant should evaluate and keep a written record of the differences in the weight of the shrimp catch, the weight of the finfish catch, and the total catch (in numbers) of red snapper between each net. The form contained in Appendix D of the Bycatch Reduction Device Testing Protocol Manual should be used to record this information. The duration of the pre-certification authorization may not exceed 60 days.

The second stage, the certification trials, consists of an individual: (1) applying to test the BRD; (2) conducting the tests; and (3) submitting the results to the RA in accordance with the Bycatch Reduction Device Testing Protocol Manual, which contains the testing protocol and the specific reporting requirements for the test results. Although that manual (the protocol) has been changed, the forms and data collection have remained the same. An important consideration will be how the applicant plans to monitor and record test results from the certification trials. A qualified and trained observer must do this. It is the responsibility of the applicant to ensure this type of an observer is available for the tests. A 3rd party agent provides observers. The applicant can have no financial relationship to the observer. For the most part, observers will be state or federal employees or contracted observers working for another institution such as a university. No cost is thus associated for the observer.

The BRD testing manual contains the protocol that researchers must use to test the effectiveness of any new or modified BRD in reducing bycatch of juvenile (age 0 and age 1) red snapper. It describes the experimental design and basic data requirements. Standardized forms for describing the tests and reporting their results are specified in the manual. Appendices to the manual contain data entry codes, illustrations of fish measurements, statistical reporting zones, proper statistical analytical techniques, illustrations of key species, and other information concerning the proper conduct of testing, including data management instructions.

An applicant requesting authorization for pre-certification or certification evaluation of an unapproved hard or soft TED as a BRD must first apply for and obtain from the RA an experimental TED authorization pursuant to requirements outlined by 50 CFR 622.41(h). The test application must include the above information, as well as a copy of that authorization.

Any BRD that is eligible for NMFS certification must be shown to reduce the bycatch component of fishing mortality for juvenile red snapper by at least 44 percent. The RA is

responsible for review and certification of BRDs for use in the Gulf of Mexico EEZ. A certified observer is required to collect the data because of the complexity; however, the applicant must submit the results of BRD certification trials directly to NMFS and is responsible for its content. Such submissions would be evaluated by NMFS with the RA making the final decision on BRD certification pursuant to the certification criteria, testing protocol, and terms of the FMP. Certification of a new or modified BRD would be announced by the RA through publication of a notice in the Federal Register.

The RA will advise the applicant, in writing, if a BRD is not certified. This notification will explain why the BRD was not certified and what the applicant may do to modify the BRD or the testing procedures to improve the chances of having the BRD certified in the future. If certification was denied because of insufficient information, the RA will explain what information is lacking. The applicant must provide the information within 60 days from receipt of such notification; otherwise, the applicant must reapply. If the RA subsequently certifies the BRD, the RA would announce the certification in the Federal Register, amending the list of certified BRDs.

Upon certification, it is anticipated that the manufacturers of the BRD candidates may seek patents or copyrights for the designs. Proceeds from the sale of the certified BRDs should more than offset any costs associated with the development of the device.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Applications for Pre-certification of BRDs for Use in the Gulf of Mexico and forms for Testing a Bycatch Reduction Device in the Exclusive Economic Zone, and a list of qualifications for observers are included in the Bycatch Reduction Device Testing Protocol Manual. The application forms are the means to apply for permission from the RA to test a BRD candidate for pre-certification or certification as an approved BRD device in the Gulf of Mexico shrimp fisheries. A final report will be the procedure for submitting all the necessary forms and information at the end of the test.

Upon receipt of an application, the RA would issue an LOA authorizing the applicant to either pretest a BRD candidate or to test the BRD candidate under the SEFSC's supervision and submit the results to the RA in accordance with the Bycatch Reduction Device Testing Protocol Manual, which contains the testing protocol and the specific reporting requirements for the test results. The purpose of the LOA is to exempt the testing of the BRD candidate from the applicable Federal requirements for certified BRDs in shrimp trawls. The SEFSC has the primary responsibility for evaluating and advising the RA concerning the certification of new BRD candidates and qualifications of observers. Data from the certification tests are not in form format but is the primary data for evaluating the effectiveness of the BRD candidates.

A summary of the information required in the Application for Pre-certification Design Phase for Developing Bycatch Reduction Device for Use in the Gulf of Mexico follows:

Application. An applicant for pre-certification design evaluation should submit the following information to the RA, NMFS and Southeast Regional Office:

1. An Application to Test A Bycatch Reduction Device in the Exclusive Economic Zone (Appendix J-1).

2. A brief statement of the purpose and goal of the activity for which authorization is requested.

3. Scope, duration, date, and general location where the preliminary evaluation would take place.

4. An 8.5 inch x 11 inch diagram drawn to scale of the design of the bycatch reduction device (BRD).

5. An 8.5 inch x 11 inch diagram drawn to scale of the BRD and approved turtle excluder device (TED) in the shrimp trawl.

6. A description of how the BRD is supposed to work.

7. A copy of the vessel documentation/registration.

A summary of the information required in the Application for Certification Design Phase for Developing Bycatch Reduction Device for Use in the Gulf of Mexico follows:

To receive authorization to conduct a certification test of a BRD candidate (including tests of an approved hard or soft TED), an applicant must complete and send the complete test application to the RA. The complete test application consists of an Application to Test A Bycatch Reduction Device in the Exclusive Economic Zone (Appendix J-1), a copy of the vessel's current Coast Guard certificate of documentation or, if not documented, its state registration certificate; and a test plan showing: (1) an 8.5-inch x 11-inch (21.6-cm x 27.9-cm) diagram drawn to scale of the BRD candidate; (2) an 8.5-inch x 11-inch (21.6-cm x 27.9-cm) diagram drawn to scale of the BRD candidate and approved TED in the shrimp trawl; (3) a description of how the BRD candidate is supposed to work; (4) the results of previous pre-certification tests, if applicable; and (5) the location, time, and area where the proposed tests would take place; (6) The identity of the observer from the list of qualified individuals maintained by the RA; and (7) certification that the observer has no prior financial relationship with the applicant or entity seeking BRD certification.

An applicant requesting authorization for certification evaluation of an unapproved hard or soft TED as a BRD must first apply for and obtain from the RA an experimental TED authorization pursuant to requirements outlined by 50 CFR 622.41(h). The certification application must include the preceding information, as well as a copy of that authorization.

A summary of the information required in the Bycatch Reduction Device Testing Protocol Manual follows:

Appendix A. Vessel Information Form. This form provides background information on the vessel, its owner, and codes (trip number, vessel, and tow number) for identifying the test. Data

such as the date of the test, name of the observer, vessel name, vessel identification number, owner name, and owner address are used to identify the respondent and the legal entity controlling the testing practices of the vessel. This latter requirement is essential in monitoring the compliance of the testing protocol. Information such as the year built, vessel type, hull material, gross tonnage, engine horsepower, and crew size, provide information used to calculate the ability of the vessel to catch shrimp. NMFS will print most of this information on this form, the sponsor will review and add his/her required information such as the Captain's or owner's signature. This information is completed at the start of the test.

Appendix B. Gear Specification Form. This form contains the detailed information on the shrimp trawl, BRD and TED for use in configuring the trawl and its components. Trip number, vessel, tow number, data, net position and control/experimental net provide the detailed information for identifying the specific tows in the test. Net type and measurements provide the detailed information for the size of the trawl. Leg line data provides information on the cables that connect to the doors. Twine, mesh and other gear measures provide the technical information for key parts of the trawl and associated components including the actual location of the BRD on the trawl. These data elements provide the technical information that net makers will use to construct the approved gear and NMFS will use to prepare the regulations.

Appendix C. TED/BRD Specification Form. This form contains information on the proposed BRD, TED, test vessel, associated gear, and whether the test and control nets were switched to control net/side bias. Trip number, vessel, tow number, and date provide controls for organizing the data later. Net position determines whether the vessel is using two or four trawls. Information such as the TED type, angle of TED, size of TED, material, and flotation used; and a detailed description of the BRD including a diagram of the BRD configuration, placement and measurements (e. g., number of meshes) is necessary to describe the gear that will be employed for the test. These data elements provide the technical information that net makers will use to construct the approved gear and NMFS will use to prepare the regulations.

Appendix D. Station Sheet BRD Evaluation Form. This form provides the key information on whether the BRD candidate will meet or exceed the required reduction in juvenile red snapper bycatch mortality and the associated loss in shrimp. For the control and test trawls, information such as the tow number, observer, date, time in, latitude in, longitude in, depth, hours towed, vessel speed, statistical zone, operational code, total nets, BRD net position, and control net position are required to describe the test procedures to ensure that the testing protocol is being followed correctly. Data from the control and test trawls such as the total weight of the catch, total shrimp weight, total weight and number of red snapper, number of red snapper greater than and less than 100 mm provide the necessary information for the determining the ability of the BRD to exclude red snapper and the associated loss in shrimp. Information such as comments provides additional data used to understand the results. The captain’s signature provides the official results. This form is completed during the test.

Appendix E. Species Characterization Form. This form is used to record the information on the species caught in the test and control trawls. Specific information on how to record the information is in appendix E. The data will be used to assess the environmental impact of the BRD on the species found in the Gulf of Mexico.

Appendix F. Length Frequency Form. The focus of this activity is on red snapper, king mackerel and Spanish mackerel. Red snapper is overfished and the subject of a rebuilding schedule. King mackerel and Spanish mackerel are the subject of scientific investigation to determine what role the incidental catch in shrimp trawls has on the status of these important species. Data such as the trip number, vessel code, tow number, net position and control or test net provide the key organization elements for recording the data on fish lengths. The length of a fish is the most important element in determining the impact of the shrimp trawls (and, therefore, shrimp fleets) on these species. This form is completed during the test.

Appendix G. Condition and Fate Form. The focus of this form is to determine the condition and fate of the organisms caught in a shrimp trawl. Information such as the trip number, vessel code, tow number, net position and control or test net provide the key organization elements for recording the data. This information will help determine if BRDs really work or just provide fodder for predator fish such as sharks or seabirds.

The applicant in a Report submits all the forms A-G above. The remainder of the appendices in the Bycatch Reduction Device Testing Protocol Manual is not written forms.

A report on the BRD candidate test results must be submitted for certification. The report must contain a comprehensive description of the tests, copies of all completed data forms used during the certification trials, and photographs, drawings, and similar material describing the BRD. The captain or owner must sign and submit the Trip Report/Cover Form. The report must include a description and explanation of any unforeseen deviations from the protocol, which occurred during the test. Applicants must provide information on the cost of materials, labor, and installation of the BRD candidate. In addition, any unique or special circumstances of the tests, including special operational characteristics or fishing techniques, which enhance the BRD's performance, should be described and documented as appropriate. This report is essentially a compilation of all of the information and data forms produced during the test. This report is the procedure for submission of the test results.

A summary of the required qualifications of observers follows:

An observer:

a. Must have a Bachelor's degree in fisheries biology or closely related field from an accredited college, have at least six months experience working with a university, college, state fisheries agency, NMFS, or private research organization such as the Gulf and South Atlantic Fisheries Foundation as an observer on a trawler (including research trawlers) in the Southeast Region, or have successfully completed a training course conducted or approved by the Director of the NMFS Southeast Fisheries Science Center.

b. Must not have had a prior financial relationship with a private company or other private business that is applying for a BRD certification test. This restriction does not apply to personnel from universities, colleges, state or Federal agencies, or the Gulf and South Atlantic Fisheries Foundation.

In addition, any individual:

a. Applying to serve as an observer must provide the names, addresses, and telephone numbers of at least three references who can attest to the applicant's background, experiences, and professional ability. These references will be contacted; unsatisfactory references may be a basis for disapproval of an applicant as an observer.

b. Wishing to serve as an observer should submit a resume and supporting documents to the Director, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149. The SEFSC will use this information to determine which names will to be included on a list of qualified observers.

If an applicant is not approved as an observer, the RA will notify the applicant of the disapproval and will provide an explanation for the denial.

The BRD test is performed under the supervision of the SEFSC-approved observer. The BRD testing data will provide critical information on the effectiveness of a BRD. Without these data, there is no way of knowing whether the BRD will reduce the incidental red snapper mortality as required or will minimize the loss of shrimp sufficiently to be profitably used in shrimping operations. Consequently, NMFS would not be able to certify new BRD designs or to remove ineffective devices.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The Southeast Region's Web site allows the public to obtain a printed copy of the permit application via downloading to their printer. In theory, the Web site provides a suitable mechanism for dissemination of information via downloading of the manual. However, the manuals are unavailable in a format that would allow them to be posted on the Web site. The manuals are expected to be revised no later than 1-06 and will become available at that time in an electronic format that would be posted on the Web site. Otherwise, no improved information technology has been identified as a practical means for reducing the burden on the public. The SEFSC has been involved in the testing process to assist and ensure the quality of the test.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Councils membership is comprised of state and Federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. Data submitted to NMFS for BRD certification in Federal waters will be provided upon request to states so that the BRD can be certified in state waters. Similarly, data which are collected by or submitted to the states for BRD certification in state waters may be used by NMFS for Federal certification. Each state in the region has an independent BRD testing procedure. Data collected for or by the state for their independent certification program is not part of the burden in this collection although that data may be used for federal certification. Burden time for the state to reproduce

the data and forward it to NMFS is included in this submission. Burden time for a state to collect data under federal grant specifically to be submitted to NMFS for federal certification is part of this collection.

Several minor vessel characteristics are collected on both Form A-1 and J-1. However, the duplication in data collection is necessary because different NMFS offices use the data for different purposes. For example, Form A-1 is used as a vessel information form, whereas Form J-1 is used to apply for a authorization to test a BRD in the EEZ. The duplicate data elements, such as vessel identification number, are easily provided by the respondents without additional search of existing data sources. The duplicate data collection therefore would not require a significant burden time. Otherwise, duplicate testing and data submission will not be required.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the analytical needs of the BRD testing protocols are requested from all applicants.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Reporting is at the request of the respondent. If this collection is not approved, there will be no procedure for approving new BRDs developed by the shrimp industry or NMFS.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for

assurance in statute, regulation, or agency policy.

All Gulf of Mexico data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

Pre-certification involves a number of forms that will be used to record the results of the tests. The process starts with a formal application for pre-certification testing. The application form for the pre-certification testing is estimated to have a burden of 2.33 hours. This includes preparation time of two hours per application to read the Bycatch Reduction Device Testing Protocol Manual and assemble the other components of the application process. The total burden for pre-certification application is 2.33 x 24 = **56 hours**.

Any authorized applicant who subsequently applies for BRD certification testing of this design must include the results of the pre-certification evaluation with the certification application. Therefore, for each paired tow, the applicant should evaluate and keep a written record of the differences in the weight of the shrimp catch, the weight of the finfish catch, and the total catch (in numbers) of red snapper between each net. The form contained in Appendix D of the Bycatch Reduction Device Testing Protocol Manual should be used to record this information.

Pre-certification involves sorting, species identification, taking measurements and recording the data from each tow. According to the BRD testing manual, pre-certification involves up to 20 tows. The data should be collected and then entered on the Station Sheet (three hours including sorting). The response time in the PRA statement on the station sheet will reflect the revised estimate. Thus the burden will be 60 x 24 = **1,440 hours**.

Certification involves the basic testing regimen and forms used for pre-certification. The process starts with a formal application for certification testing. The application for certification testing has a burden of 2.33 hours, or **56 hours total**. Once an application is accepted, the successful applicant will be offered the opportunity to participate in certification testing.

Before the initial test tow begins, the applicant should complete Vessel Information Form that describes the vessel being used and a Gear Specification Form that describes the BRD to be tested. These forms each will require a burden of 0.5 hours to complete for a total of 12 hours for the 24 responses. The applicant will then perform 20 tuning tows and report the results on the Station Sheet Form with a burden of 0.33 hours. These forms will require a burden or 0.33 hours to complete for a total of 160 hours for all 24 applicants. The applicant must fill out a TED/BRD specification form which has the basic purpose of documenting which of the trawls contains the control of TED/no BRD and which of the trawls contains the TED/new BRD configuration. The testing instructions indicate that the best scientific results will be obtained if the configuration is

changed every other day and the applicant would fill out a new TED/BRD specification form each time the configuration is changed. Since gear damage is a normal occurrence during shrimping, a new form is also required for instances when the gear has to be repaired, whether or not the configuration has been changed. It is reasonable to assume that 40 of those days may be devoted to trawling activities and 20 forms would be required. It is estimated that five instances of net damage will occur during the testing process. Hence, up to 25 forms per applicant, or an aggregate of 600 forms are indicated. The time burden has been set at 0.33 hours so it will take 200 hours for all 24 applicants. The total for these forms is **372 hours**.

The bulk of the burden associated with certification testing is the need to collect and enter data on the species captured during shrimping operations. In general this involves sorting, species identification, taking measurements and recording the data from each tow. According to the BRD testing manual, certification involves up 30 tows to accomplish the certification test. The data are to be collected and then entered on 4 separate forms, namely the Station Sheet (0.33 hours burden), the Species Characterization Form (five hour burden), the Length Frequency Form (0.33 hours burden), the Condition and Fate form (0.33 hours burden) and Trip Report/Cover Sheet (0.5 hours burden). Past experience indicates that it takes about 6.5 hours to record the data from each tow and 30 tows must be taken. Hence, the burden for data collection and entry is 3.5 x 24 = **84 hours**. In addition, a Sea Turtle Form (0.25 hours) providing biological data is completed upon sighting of a sea turtle, which is estimated to occur on four of the 24 trips, for a total of **one hour**.

Report

The time to assemble all data forms and prepare the final report is estimated to be 4 hours. The total burden for the final report is 4 x 24 = **96 hours.** In addition, a Program Receipt signed by the vessel captain is filled out for each of the 24 trips at .0833 hours per trip for a total of **two hours**.

The BRD certification process contains a formal procedure that can be used to enhance the available supply of observers in the event that the current pool is not large enough to cover the testing activities of all participants, especially at times when a number of participants are testing at the same time. Current information on the existing supply of qualified observers indicates that up to five additional observers may be required. Since the requirements to be an observer are spelled out in great detail, it is unlikely that persons who do not meet these straightforward criteria will apply. It is estimated that the process will require an hour for each applicant. In addition the people providing the references for the observer will require one hour for each application. The total burden for the observer application and references is **10 hours**.

A third party agent provides observers. The applicant can have no financial relationship to the observer. Observers will be state or federal employees or contracted observers working for another institution such as a university. No additional cost is thus associated for the observer

We expect four respondents to submit a total of 100 responses during the actual tests of the trawls; at four hours per response, the total burden time is estimated at **400 hours**.

In addition, we expect two independent BRD tests to be performed under the state programs per

year. These will probably be forwarded to N&IFS for federal certification. The burden time associated with duplicating the test information and results is estimated at 0.083 hours per application.

The estimated total burden for the Gulf of Mexico submissions is **6,302 hours**:

Requirement	Respondents	Responses	Response Time (hours)	Burden Time
Pre-certification	24	24	2.33	56
Pre-certification data	24	480	3	1440
Certification application	24	24	2.33	56
Vessel Information Form	24	24	0.5	12
Gear Specification Form	24	24	0.33	8
Station Sheet Form (tuning) (Form)	24	480	0.33	160
TED/BRD Specification Form	24	600	0.33	200
Station Sheet Form	24	720	0.33	240
Species Characterization Form	24	720	5	3600
Length Frequency Form	24	720	0.33	4
Condition and Fate Form	24	720	0.33	4
Trip Report/Cover Sheet	24	24	0.5	12
Sea Turtle Form	24	4	.25	1
Final Reports	24	24	4	96
Program Receipt Form	24	24	5	2
Observer Certifications	5	5	1	5
Observer References	5	5	1	5
Testing	4	100	4	400
Independent BRD tests (duplication/mailing)	2	2	0.5	1
TOTALS	**26**	**4,724**	**31.39**	**6,302**

13. <u>Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above)</u>.

The applicant's cost for pre-certification testing involves the submission of an application, which would total about $10 for the 24 applicants. There will be some cases where the applicant will have an observer on the pre-certification even though one is not required. We estimate that two pre-certification applicants will have an observer. The cost of an observer is estimated to equal $450 per day. If two applicants use an observer for 40 days the cost would be $36,000. The total pre-certification cost is **$36,010**. The certification phase requires an observer. Even though two tows can be made per shrimping day it is estimated that it will take each applicant 25 observer days to complete the test. The cost is 25 x 24 x $450 = $270,000. There is an additional cost of

duplication and mailing reports estimated at 24 x $20 = $480. The total cost of the certification phase is **$270,480**. The cost to be certified as an observer, including references is $1.00 each for a total of **$5.00**. The total cost is **$306,495**.

A third party agent provides observers. The applicant can have no financial relationship to the observer. Observers will be state or federal employees or contracted observers working for another institution such as a university. No additional cost is thus associated with the observer.

14. Provide estimates of annualized cost to the Federal government.

NMFS will continue to process an estimated 24 pre-certification applications, an estimated 24 certification applications, and five applications to be certified as an observer and will continue to issue permits or equivalent instruments to the applicants. NMFS uses an administrative cost estimate of $40 per applicant for this type of activity, so the estimated NMFS cost for all 53 applications combined is **$2,120**.

NMFS will have to validate the data collected during the pre-certification and certification tests and there will be costs associated with data entry, error checking, data management and associated tasks. One form will be required during pre-certification (Station Sheet) and five different forms that applicants will use to record the data gathered during certification testing (TED/BRD Specification, Station Sheet, Species Characterization, Length Frequency and Condition/Form). Although the forms contain differing amounts of data, it has been estimated that the average cost to perform the various tasks is $5.25 for each form that is processed. We will expect to process 70 Station Sheets (20 pre-certification, 20 tuning tows and 30 certification). It has been previously estimated that up to 20 TED/BRD Specification Forms per applicant will be used for certification. Given 24 applicants for pre-certification and certification, a total of 1680 forms are possible. Each of the other three forms is to be filled out once for each tow and 30 tows are possible for certification testing. Hence, each applicant will fill out 90 of these forms during certification. Given 24 applicants, 3,840 forms will be processed by NMFS. In addition each applicant will provide a Vessel Information Form and a Gear Specification Form for an additional 48 forms. The resulting total number of all forms to be processed by NMFS is 3,888 and given the estimate of $5.25 per form, the maximum estimated cost is **$22,932**.

Following processing and data entry, NMFS will also incur costs associated with making decisions as to whether or not individual designs meet the bycatch reduction criterion and to certify successful designs as legal via publication of a notice, and/or technical amendment. Although it cannot be predicted in advance how many of the applicants will complete the full testing regimen or how many new designs will be certified, an estimate of $100 for assessing the results for each applicant yields an upper bound cost estimate of **$2,400** for all 24 applications.

The total cost to government is **$29,174**.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

No program changes are requested. An adjustment to the burden time and costs was needed to

correct miscalculations inadvertently made in the previous submittal.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results will not be published except for the list of BRDs that have been certified.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not use statistical methods.

PART 2 SUPPORTING STATEMENT
BRD Testing and Certification for Shrimp Fisheries
South Atlantic
Southeast Region
OMB CONTROL NO. 0648-0345

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone (EEZ) is the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (Magnuson-Stevens Act), as amended. Amendment 2 for the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region required the use of certified bycatch reduction devices (BRDs) in all penaeid shrimp trawls in the Exclusive Economic Zone (EEZ) in the South Atlantic, and established a framework procedure for adding to the list of certified BRDs or modifying their specifications. The regulation governing this is attached to the request (50 CFR 622.41(g)). No procedural changes are proposed in this renewal.

Trawling in the South Atlantic shrimp fisheries results in large amounts of finfish being discarded dead. Impacts of bycatch and discards result in significant biological waste, biological overfishing of target and bycatch species, economic losses in finfish fisheries, modification of biological community structure, and may result in unacceptable mortality on threatened, or endangered species. The South Atlantic Fishery Management Council is concerned about the magnitude of bycatch of overfished species in shrimp trawls. The Councils prepared Amendment

2 to reduce the adverse impacts of shrimp trawls and thereby assist in the recovery of these resources.

Shrimp fishermen in the affected EEZ areas are required to use BRDs that have been approved by NMFS. The development of BRDs is a dynamic process. As fishermen and other people become more knowledgeable about the behavior of fish in shrimp trawls, they will develop new ideas on ways to reduce the incidental catch of different species of concern while minimizing the loss of shrimp.

The rule implementing the part of Amendment 2 that allows the testing of new BRDs specifies that a person who proposes a BRD for certification must test such BRD and submit the results to the Regional Administrator (RA) in accordance with the Bycatch Reduction Device Testing Protocol Manual, which contains the testing protocol and the specific reporting requirements for the test results. The South Atlantic protocol has the same wording as the Gulf protocol, which identifies that, certified observers would be used. The protocol lists qualifications that an observer must meet - not how they are trained and certified.

The BRD testing manual contains the protocol that researchers must use to test the effectiveness of any new or modified BRD in reducing bycatch of weakfish and Spanish mackerel. It describes the experimental design and basic data requirements. Standardized forms for describing the tests and reporting their results are specified in the manual. Appendices to the manual contain data entry codes, illustrations of fish measurements, statistical reporting zones, proper statistical analytical techniques, illustrations of key species, and other information concerning the proper conduct of testing, including data management instructions.

Any BRD that is eligible for NMFS certification must be shown to reduce the bycatch component of fishing mortality for Spanish mackerel and weakfish by 50 percent, or demonstrate a 40 percent reduction in number of these fish. The RA is responsible for review and certification of BRDs for use in the South Atlantic EEZ. There are two certification procedures. Under the first procedure, the RA the testing protocol specified by the Council, would certify a new or modified BRD that is reviewed and recommended by a state management agency, and that meets the bycatch reduction criteria under. Under the second procedure, an individual would submit the results of BRD certification trials directly to NMFS. Such submissions would be evaluated by NMFS with the RA making the final decision on BRD certification pursuant to the certification criteria, testing protocol, and terms of the FMP. Under either the first or second procedure, certification of a new or modified BRD would be announced by the RA through publication of a notice in the Federal Register.

The RA will advise the applicant, in writing, if a BRD is not certified. This notification will explain why the BRD was not certified and what the applicant may do to modify the BRD or the testing procedures to improve the chances of having the BRD certified in the future. If certification was denied because of insufficient information, the applicant will have 60 days from receipt of such notification to provide the additional information; afterwards, the applicant would have to reapply. If the RA subsequently certifies the BRD, the RA would announce the certification in the Federal Register, amending the list of certified BRDs.

Upon certification, it is anticipated that the manufacturers of the BRD candidates will seek

patents or copyrights for the designs. Proceeds from the sale of the certified BRDs should offset costs associated with the development of the device.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The application to test BRDs in the Exclusive Economic Zone is the document whose submission to the RA begins the formal process that will either lead the certification or rejection of the BRD candidate for use in the South Atlantic shrimp fisheries. The Vessel Information Form and Gear Specification Form are the forms, which must be submitted as the application to test BRDs. The RA will then issue a letter, which will provide permission to conduct the test. The purpose of the authorization is to exempt the testing of the BRD candidate from the applicable Federal requirements for certified BRDs in shrimp trawls. The Station Sheet BRD Evaluation Form and Length Frequency Form will be filled out during the test. The BRD test is performed under the supervision of the Southeast Fisheries Science Center (SEFSC) approved observer.

a. **Vessel Information Form.** This form will be the primary means for any person, corporation or other entity to apply for permission from the RA to test a BRD candidate for certification as an approved BRD device in the South Atlantic shrimp fisheries. Upon receipt, the RA would issue a letter authorizing the applicant to test the BRD candidate under the supervision of the Southeast Fisheries Science Center (SEFSC). The SEFSC has the primary responsibility for evaluating and advising the RA concerning the certification of new BRD candidates. Information such as the vessel name, vessel identification number, owner name, and owner address is used to identify the respondent and the legal entity controlling the testing practices of the vessel. This latter requirement is essential in monitoring the compliance of the testing protocol. The date, observer name, vessel length, and time range of testing period provide information on the proposed test and when the testing operation will be conducted.

b. **Gear Specification Form.** The second part of the initial application is information on the proposed BRD as well as vessel and gear information. Information such as the net type, headrope length, footrope length; body mesh size; cod end characteristics (type, mesh size, twine diameter, length, circumference, bag ring placement, chafing gear, and comments); tickler chain length and size; door characteristics (type, length, height, and comments); Turtle Excluder Device (type, angle of TED, size of TED, material, and flotation used); and a detailed description of the BRD including a diagram of the BRD configuration, placement and measurements (e.g., number of meshes) is necessary to describe the gear that will be employed for the test.

c. **Station Sheet BRD Evaluation Form.** Information such as the tow number, observer, date, time zone, latitude in, longitude in, depth in, vessel speed, BRD net position, control net position, operational code, day/night/both, net position, time out, latitude out, longitude out, depth out, and statistical zone are required to describe the test procedures to ensure that the testing protocol is being followed correctly. Data such as the total weight of the catch, total shrimp weight, finfish subsample weight, total finfish weight, hours towed, predominant shrimp species, target species, comments, captains signature, other species subsample weight and total species weight, and

measurements of captured sea turtles provides the basic data to determine the effectiveness of the BRD.

d. **Length Frequency Form.** Information such as the net position sampled, subsample weight, control net position, observer name, genus and species captured, measurement code, and length of fish are required to evaluate the effectiveness of the BRDs on particular species. The BRD testing data provide critical information on the effectiveness of BRDs. Without these data, there is no way of knowing whether the BRD minimizes the loss of shrimp sufficiently or reduces the number of bycatch species sufficiently to be used in shrimping operations.

e. **Trip Report/Cover Sheet Form.** This form is placed on the top of the completed trip data forms and provides general information about the vessel, time at sea, tow time, gear, and turtle data.

f. **Sea Turtle Form.** Information, such as biological data, is completed upon sighting of a sea turtle.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The Southeast Region's Web site allows the public to obtain a printed copy of the permit application via downloading to their printer. In theory, the Web site provides a suitable mechanism for dissemination of information via downloading of the manual. However, the manuals are unavailable in a format that would allow them to be posted on the Web site. The manuals are expected to be revised and will become available at that time in an electronic format that would be posted on the Web site. Otherwise, no improved information technology has been identified as a practical means for reducing the burden on the public. The SEFSC has been involved in the testing process to assist and ensure the quality of the test.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Councils membership is comprised of state and Federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. Data submitted to NMFS for BRD certification in Federal waters will be provided upon request to states so that the BRD can be certified in state waters. Similarly, data which are collected by or submitted to the states for BRD certification in state waters may be used by NMFS for Federal certification. Each state in the region has an independent BRD testing procedure. Data collected for or by the state for their independent certification program is not part of the burden in this collection although that data may be used for federal certification. Burden time for the state to reproduce the data and forward it to NMFS is included in this submission. Burden time for a state to collect data under federal grant specifically to be submitted to NMFS for federal certification is part of this collection. Duplicate testing and data submission will not be required.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the analytical needs of the BRD testing protocol are requested from all applicants.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Reporting is at the request of the respondent. If this collection is not approved, there will be no procedure for approving new BRDs developed by the shrimp industry or NMFS.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All south Atlantic data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The reporting requirements for the BRD testing protocols for the South Atlantic consist of completing a vessel information form, a gear specification form, a station sheet BRD evaluation form, condition and fate form, and a length frequency form, and conducting the test. The estimated time to complete a vessel information form is 0.5 hours; the gear specification form is .5 hours; the station sheets will require 60 hours (30 tows with one form per tow at two hours each; the revised burden time includes sorting which had not been addressed in the previous clearance package); condition and fate form is 0.33 hours, and the length frequency forms are 25 hours (30 tows with one form per tow at .833 hours each) for a total of **102.75 total hours.**

The time required to conduct the test is 100 hours. The total reporting burden for each BRD testing event is estimated at 186 hours. The estimated number of applicants is four per year. The total burden is 186 hours times four applicants or 744 hours. In addition, we expect two independent BRD tests to be performed under the state programs per year. The burden time associated with reproducing the test information and results is estimated at 0.5 hours per application.

The estimated time to complete one Trip Report/Cover Sheet (0.5 hours burden) for each of the 24 trips is **12 hours**. In addition, a Sea Turtle Form (0.25 hours) providing biological data is completed upon sighting of a sea turtle, which is estimated to occur on four of the 24 trips, for a total of **one hour**.

Thus, the total burden for the South Atlantic submission is **597 hours.** When this burden is added to the Gulf of Mexico burden of 6,302 hours, the total South Atlantic and Gulf of Mexico burden is 6,899 hours.

Requirement	Respondents	Responses	Response Time (Hours)	Burden Time (HOURS)
Vessel Information Form	4	4	0.5	2
Gear Specification Form	4	4	0.5	2
Station Sheet BRD Evaluation Form	4	120	0.33	40
Condition and Fate Form	4	120	0.33	40
Length Frequency Form	4	120	0.33	40
Trip Report/Cover Form	4	24	0.5	12
Sea Turtle Form	4	24	0.25	12
Testing	4	4	100	400
Independent BRD tests (duplication/mailing)	2	2	.05	744
TOTALS	**6**	**566**	**102.79**	**549**

13. <u>Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above)</u>.

The estimated annual cost for South Atlantic BRD testing (excepting mailing and duplication

costs) is estimated at $32,000, based on 400 hours of trawler time at $80 per hour. There is an additional cost of duplication and mailing reports ($20 per applicant) estimated at 4 x $20 = $480. Therefore, the total cost is **$32,480.** When this total cost is added to the Gulf of Mexico costs of $306, 495, the total South Atlantic and Gulf of Mexico cost is **$338,975**.

Observers are provided by a third party agent. The applicant can have no financial relationship to the observer. Observers will be state or federal employees or contracted observers working for another institution such as a university. No additional cost is thus associated with the observer.

14. Provide estimates of annualized cost to the Federal government.

The estimated annual cost for processing the forms is $5.25 per form. This includes printing costs, labor for site review and data entry, and program management costs. Based on an estimated 328 forms, the cost would be 328 x $5.25 = **$1,722**.

Following processing and data entry, NMFS will also incur costs associated with making decisions as to whether or not individual designs meet the bycatch reduction criterion and to certify successful designs as legal via publication of a notice, and/or technical amendment. Although it cannot be predicted in advance how many of the applicants will complete the full testing regimen or how many new designs will be certified, an estimate of $100 for assessing the results for each applicant yields an upper bound cost estimate of **$400** for all 4 applications.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

No program changes are requested. An adjustment to the burden time and cost was needed to correct miscalculations inadvertently included in the previous submittal.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results will not be published except for the list of BRDs that have been certified.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not use statistical methods.

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE, SOUTHEAST REGION

OMB No. 0648-0345
Approval Expires:

APPENDIX A APPLICATION TO TEST A BYCATCH REDUCTION DEVICE IN THE EXCLUSIVE ECONOMIC ZONE

_____ Pre-certification _____ Certification

FOR OFFICE USE ONLY	
	EXP. DATE:
VIO #/HOLD DATE:	REVIEWER'S INT.:
CLEARER'S INITIALS/CLEARED DATE:	
NON-REPORTING HOLD DATE:	NON-REPORTING CLEARED DATE:

SECTION 1 VESSEL INFORMATION (please type)

NAME OF VESSEL	CG SAFETY STICKER NO.	CG DOC. OR STATE REG. NO. (OFFICIAL NO.)	
HOME PORT (CITY & STATE)	ENGINE HORSEPOWER	VESSEL LENGTH (ft.)	HOLD CAPACITY (tons))

SECTION 2 APPLICANT INFORMATION

APPLICANT'S NAME			AREA CODE/PHONE NO.		
MAILING ADDRESS			CITY		
STATE	ZIP CODE		DATE OF BIRTH or DATE CORP. FORMED:	MONTH	DAY	YEAR

SECTION 3 OWNER/OPERATOR INFORMATION IF REQUIRED: See instructions for requirements.

OWNER'S/OPERATOR'S NAME			AREA CODE/PHONE NO.		
MAILING ADDRESS			CITY		
STATE	ZIP CODE		DATE OF BIRTH:	MONTH	DAY	YEAR

SECTION 4 LEASE INFORMATION: See instructions for requirements.

INDIVIDUAL LEASING VESSEL:			AREA CODE/PHONE NO.		
MAILING ADDRESS			CITY		
STATE	ZIP CODE		LEASE EXPIRATION:	MONTH	DAY	YEAR

SECTION 5 SIGNATURE (ALL APPLICATIONS MUST BE SIGNED)

APPLICANT'S SIGNATURE:	APPLICANT'S POSITION:	DATE:
OWNER'S SIGNATURE (if different from the Applicant):	POSITION, IF OWNER IS A CORPORATION/PARTNERSHIP:	

GENERAL INSTRUCTIONS

Under 50 CFR part 622.41(h)(4)(ii), a person who proposes a bycatch reduction device (BRD) for pre-certification or for certification for use in the Gulf of Mexico exclusive economic zone must submit this application to test a BRD, conduct the testing, and submit the results of the test in accordance with the **Bycatch Reduction Device Testing Protocol Manual**. A BRD that meets the certification criterion, as determined under the testing protocol, will be added to the list of certified BRDs.

1. Type or print legibly in ink. Incomplete or unreadable applications will be returned.

2. Each application must be accompanied by a copy of the vessel's CURRENT Coast Guard certificate of documentation or, if not documented, its state registration certificate; and a test plan showing: (1) an 8.5" x 11" diagram drawn to scale of the BRD; (2) an 8.5" x 11" diagram drawn to scale of the BRD and turtle excluder device in the shrimp trawl; (3) a description of how the BRD is supposed to work; (4) the results of previous tests including but not limited to location, time, and area where tested; (5) the location, time, and area where the proposed tests would take place; and (6) the identify of the qualified observer (for certification phase testing only), and a basis for the observer's qualifications.

3. Mail the application, and copy of documentation/registration to: NMFS (F/SER23), 9721 Executive Center Drive N., St. Petersburg, FL, 33702. Questions may be phoned to (727) 570-5305 between 8:00 am and 4:30 pm, eastern time.

4. Additional copies of this **application** are available from NMFS (F/SER23), 9721 Executive Center Drive N., St. Petersburg, FL, 33702 or from its homepage (http://caldera.sero.nmfs.gov). Copies of the **Bycatch Reduction Device Testing Protocol Manual** are available from NMFS (F/SER23), 9721 Executive Center Drive N., St. Petersburg, FL, 33702 .

APPLICATION INSTRUCTIONS

SECTION 1 Enter name, official number and length of vessel as they appear on the certificate of documentation or, if not documented, on the state registration certificate. Enter Coast Guard Vessel Safety number. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation. The vessel owner must display a current vessel safety sticker from the Coast Guard, before NMFS will assign an observer.

SECTION 2 Provide the name, address, telephone number and other identifying information of the applicant.

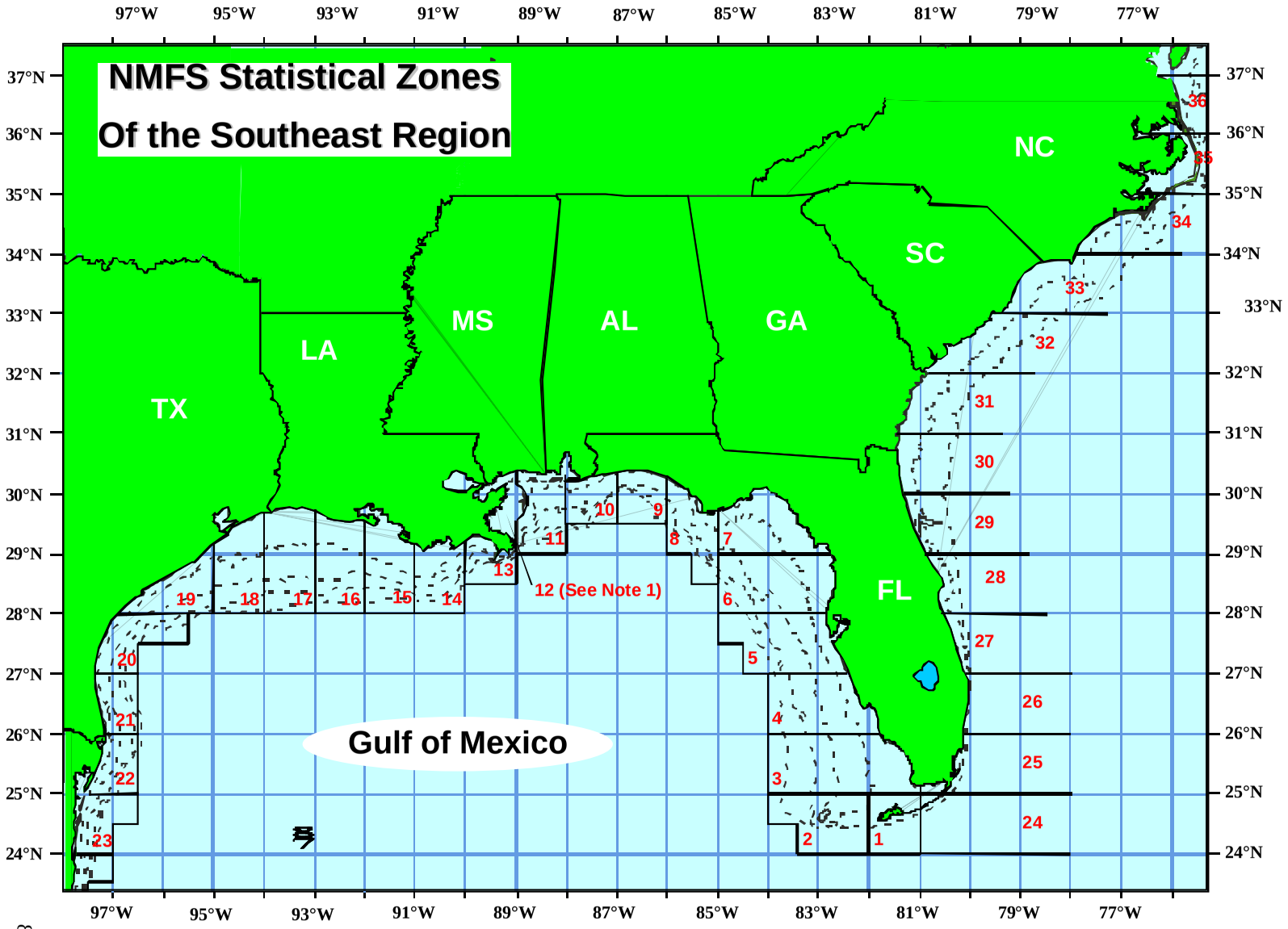
SECTION 3 COMPLETE THIS SECTION ONLY IF THE OWNER / OPERATOR IS DIFFERENT THAN THE APPLICANT. Any change in the information in Section 3 must be reported to the Regional Administrator within 30 days after such change.

SECTION 4 COMPLETE THIS SECTION ONLY WHEN THE VESSEL IS BEING OPERATED UNDER A LEASE OR OTHER WRITTEN MANAGEMENT AGREEMENT THAT BESTOWS CONTROL OVER THE DESTINATION, FUNCTION OR OPERATION OF THE VESSEL TO A PERSON OTHER THAN THE PERSON SHOWN IN SECTION 2. Provide the name, address, telephone number and other identifying information of the controlling person. Enter the date of expiration of the lease or written management agreement that transferred control of the vessel from the person shown in Section 2. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the authorization. Any change in the information in Section 4 must be reported to the Regional Administrator within 30 days after such change.

SECTION 5 ALL APPLICATIONS MUST BE SIGNED OTHERWISE IT WILL BE RETURNED.

The NMFS requires this collection of information to minimize the bycatch of finfish in the penaeid shrimp fishery. The data and testing will be used to develop improved bycatch reduction devices (BRDs). Responses are required under the Magnuson-Stevens Act to obtain certification that allows use of a BRD in the shrimp fishery. Data will be confidential pursuant to the Magnuson-Stevens Act and other applicable law. Notwithstanding any other provisions of the law, no person is required to, nor shall any person be subject to a penalty to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 140 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert Sadler, 9721 Executive Center Drive N., St. Petersburg, FL 33702. OMB No. 068-0345



Note 1 - Stat zone 12 expands east to include Chandeleur Islands

OMB No. 0648-0345
Approval Expires:

TRIP REPORT

TRIP #_____

VESSEL NAME _____ **ID#** _____ **VSCODE**_____ **LTH**_____
(CG DOCUMENTATION #) (LENGTH)

STATE CITY
PORT OF DEPARTURE_____/_____

OBSERVER NAME_____ **ORGANIZATION**_____

MTH/DAY MTH/DAY YEAR
TRIP DATES _____ - _____ _____ **OBSERVER DAYS**_____
(dates, total # of travel and sea days allotted for this trip)

MTH/DAY MTH/DAY YEAR
DATES AT SEA _____ - _____ _____ **SEA DAYS**_____
(dates, total # of days at sea from port to port)

24 HR. DAYS FISHED (including tows not sampled)
TOTAL TIME (hours towed) _____/24 = _____

STARTING TOW #_____
ENDING TOW # _____
(DO NOT INCLUDE TOWS NOT SAMPLED)

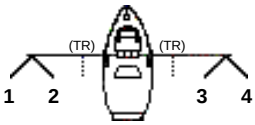
AVERAGE TOW TIME
TOT. TIME HOURS TOWED [SAMPLED] _____(1)
TOT. TIME HOURS TOWED [UNSAMPLED]_____(2)
TOT. # TOWS SAMPLED_____(3)
TOT. # TOWS UNSAMPLED_____(4)

1 2 3 4
(_____+_____) / (_____+_____)=_____

GEAR CONFIGURATION (MAIN NETS)

NET #1 TED_____ BRD_____	APPLICABLE
NET #2 TED_____ BRD_____	TOW #S
NET #3 TED_____ BRD_____	
NET #4 TED _____BRD _____	_____
NET #1 TED_____ BRD_____	APPLICABLE
NET #2 TED_____ BRD_____	TOW #S
NET #3 TED_____ BRD_____	
NET #3 TED_____BRD_____	_____

TRY NET HRL_____ NET#____ (Location)
FRL_____ APPLICABLE
TOW#S _____



(ENTER N/A FOR NET #s 1 & 4 IF ONLY TWO NETS ARE PULLED BY YOUR BOAT)

AREAS FISHED

STAT. AREA #						
INSHORE						
NEARSHORE						
OFFSHORE						

(ENTER APPLICABLE STATISTICAL AREA # THEN THE # OF TOWS "SAMPLED" IN THE APPROPRIATE ZONE BLOCK)

TURTLES CAPTURED

SPECIES	NET#/TYPE*	LAT/LONG	DATE	TOW#
1_____	_____	_____	_____	_____
2_____	_____	_____	_____	_____
3_____	_____	_____	_____	_____
4_____	_____	_____	_____	_____
5_____	_____	_____	_____	_____
6_____	_____	_____	_____	_____

*(ST-STANDARD NET,TB-NET WITH TED AND BRD, T-NET WITH TED ONLY, B-NET WITH BRD ONLY,TR-TRY NET)

TURLES SIGHTED

SPECIES	LAT/LONG	DATE
1_____	_____	_____
2_____	_____	_____
3_____	_____	_____
4_____	_____	_____
5_____	_____	_____
6_____	_____	_____
7_____	_____	_____

SIGNATURE _____

TRIP REPORT PAGE TWO

VSCODE_____ **TRIP DATES_____** **TRIP #_____**

TOWS NOT SAMPLED

(A TOW WITH AN OPERATION CODE SHOULD NOT BE LISTED AS UNSAMPLED)

NO.	DATE	LATITUDE	LONGITUDE	DEPTH (FEET)	HOURS TOWED	REASON NOT SAMPLED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
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36						
37						
38						
39						
40						
41						
42						
43						
44						
45						

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COVER SHEET

TRIP NUMBER:_____

VESSEL NAME:_____

DATES OF TRIP:_____

OBSERVER NAME:_____

NUMBER OF TOWS SAMPLED:_____

PERSON SUBMITTING DATA:_____

DATE SUBMITTED:_____

PERSON(S) PROOFING/DATE

_____

_____

_____

_____

_____

DATE COMPLETED :_____

SIGNATURE:_____

REVISED 05/10/02

INSTRUCTIONS FOR THE COVERSHEET

This form is to be placed on top of your (completed trip) data forms.

TRIP NUMBER: Transcribe from Station Sheet.

VESSEL NAME: Enter the full name of the vessel.

DATES OF TRIP: Enter the start and end date of the trip.

OBSERVER NAME: Enter your full name.

NUMBER OF TOWS SAMPLED: Enter the number of tows actually sampled.

PERSON SUBMITTING DATA: Person responsible for submitting data to evaluating agency (i.e., organization conducting project).

DATE SUBMITTED: Enter the date when data were submitted to the coordinator or project manager of evaluating agency.

PERSON(S) PROOFING /DATE: After the data have been computerized, a person(s) will be assigned to proof for keystroke errors. Enter proof phase, name of person proofing the data, and date (e.g., first proof/ Dan Smith /Feb. 23, 1999). Ideally, more than one person should proof data before final submission.

DATE COMPLETED: The manager or coordinator who submits the data enters the date when the data are clean (i.e., ready for archiving).

SIGNATURE: The coordinator or project manager of the organization "signs off" to verify that the data are clean of keystroke errors and ready for archiving.

All regional bycatch data (electronic and hard copies) are archived at the NMFS Galveston Laboratory.

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NMFS GALVESTON LABORATORY

BRD/BYCATCH PROGRAM
RECEIPT

VESSEL NAME: _____

OBSERVER NAME: _____

$_____**X**_____**SEA DAYS = $**_____

Received in cash _____**dollars and**_____**cents**

Captain's Signature_____**Date**_____

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OMB NO. 0648-0345 Approval Expires -

TED/BRD SPECIFICATION FORM
BRD TESTING PROTOCOL

ORG PRO								MO	DY	YR			
TRIP NO.					VESSEL			TOW NO.		DATE		NET POSITION	GEAR ID #

SECTION III **TED MEASUREMENTS**

TED TYPE ☐ SOFT ☐ HARD

TED DESIGN (Circle one) WEEDLESS CURVED BAR STRAIGHT BAR UNKNOWN

TED OPENING ☐ TOP ☐ BOTTOM

TED FUNNEL (YES OR NO) ☐ **TED MATERIAL** ☐

TED FLAP (YES OR NO) ☐ **# OF TED FLOATS** ☐☐

TED ANGLE (DEGREES) ☐☐☐ **FLOAT TYPE** Material: ☐

Shape: ☐

TED DIMENSIONS LENGTH (INCHES) ☐☐☐

WIDTH (INCHES) ☐☐☐

GEAR DESCRIPTIONS

BRD DESCRIPTION

BRD DIAGRAM

Sketch fisheye including height and width (on the back of this form) or attact cardboard outline (if possible).

GEAR DESCRIPTION

GEAR DIAGRAM

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OMB NO. 0648-0345 Approval Expires -

SPECIES CHARACTERIZATION FORM

ORG PRO | TRIP NO. | VESSEL | TOW NUMBER | NET POSITION | Control (C) or Experimental (E)

COMMON NAME	GENUS	SPECIES	NUMBER	SAMPLE WEIGHT(kg)	SELECT WEIGHT(KG)
BROWN SHRIMP	FARFANT	AZTECU		.	.
WHITE SHRIMP	LITOPEN	SETIFE		.	.
PINK SHRIMP	FARFANT	DUORAR		.	.
CRABS, LOBSTERS, ET	CRUSTAC		1	.	.
OTHER INVERTEBRATE	INVERTE		1	.	.
SHAD	ALOSA			.	.
SHARKS (ALL SPECIES)	CARCHAR			.	.
SPOTTED SEATROUT	CYNOSCI	NEBULO		.	.
SILVER SEATROUT	CYNOSCI	NOTHUS		.	.
WEAKFISH (GRAY TROU	CYNOSCI	REGALI		.	.
SPOT	LEIOSTO	XANTHU		.	.
ATLANTIC CROAKER	MICROPO	UNDULA		.	.
SOUTHERN KINGFISH	MENTICI	AMERIC		.	.
NOTHERN KINGFISH	MENTICI	SAXATI		.	.
RED DRUM	SCIAENO	OCELLA		.	.
BLACK DRUM	POGONIA	CROMIS		.	.
COBIA	RACHYCE	CANADU		.	.
SOUTHERN FLOUNDER	PARALIC	LETHOS		.	.
SUMMER FLOUNDER	PARALIC	DENTAT		.	.
KING MACKEREL	SCOMBER	CAVALL		.	.
SPANISH MACKEREL	SCOMBER	MACULA		.	.
SCUP	STENOTO	CHRYSO		.	.
GAG	MYCTERO	MICROL		.	.
BLACK SEABASS	CENTROP	STRIAT		.	.
BANK SEABASS	CENTROP	OCYURU		.	.
ROCK SEABASS	CENTROP	PHILAD		.	.
FLORIDA POMPANO	TRACHIN	CAROLI		.	.
BLUEFISH	POMATOM	SALTAT		.	.
STURGEON	ACIPENS			.	.
OTHER FINFISH-GROUP	PISCES		1	.	.
DEBRIS	DEBRIS		1	.	.
ROCK SHRIMP	SICYONI			.	.
ROCK SHRIMP CULL	SICYONI	DISCAR		.	.
				.	.
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				.	.

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OMB NO. 0648-0345 Approval Expires -

SPECIES CHARACTERIZATION FORM

ORG PRO

Control (C) or Experimental (E)

TRIP NO. | VESSEL | TOW NUMBER | NET POSITION

COMMON NAME	GENUS	SPECIES	NUMBER	SAMPLE WEIGHT(kg)	SELECT WEIGHT(KG)
BROWN SHRIMP	FARFANT	AZTECUL		.	.
WHITE SHRIMP	LITOPEN	SETIFER		.	.
PINK SHRIMP	FARFANT	DUORARA		.	.
CRABS, LOBSTERS, ET	CRUSTAC		1	.	.
OTHER INVERTEBRAT	INVERTE		1	.	.
SHAD	ALOSA			.	.
SHARKS (ALL SPECIES	CARCHAR			.	.
SPOTTED SEATROUT	CYNOSCI	NEBULO		.	.
SILVER SEATROUT	CYNOSCI	NOTHUS		.	.
WEAKFISH (GRAY TRO	CYNOSCI	REGALI		.	.
SPOT	LEIOSTO	XANTHU		.	.
ATLANTIC CROAKER	MICROPO	UNDULA		.	.
SOUTHERN KINGFISH	MENTICI	AMERIC		.	.
NOTHERN KINGFISH	MENTICI	SAXATI		.	.
RED DRUM	SCIAENO	OCELLA		.	.
BLACK DRUM	POGONIA	CROMIS		.	.
COBIA	RACHYCE	CANADU		.	.
SOUTHERN FLOUNDE	PARALIC	LETHOS		.	.
SUMMER FLOUNDER	PARALIC	DENTAT		.	.
KING MACKEREL	SCOMBER	CAVALL		.	.
SPANISH MACKEREL	SCOMBER	MACULA		.	.
SCUP	STENOTO	CHRYSO		.	.
GAG	MYCTERO	MICROL		.	.
BLACK SEABASS	CENTROP	STRIAT		.	.
BANK SEABASS	CENTROP	OCYURU		.	.
ROCK SEABASS	CENTROP	PHILAD		.	.
FLORIDA POMPANO	TRACHIN	CAROLI		.	.
BLUEFISH	POMATOM	SALTAT		.	.
STURGEON	ACIPENS			.	.
OTHER FINFISH-GROU	PISCES		1	.	.
DEBRIS	DEBRIS		1	.	.

OTHERS NOT LISTED				
		.	.	
		.	.	
		.	.	

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OMB NO. 0648-0345 Approval Expires -

SPECIES CHARACTERIZATION FORM
SHRIMP CHARACTERIZATION

ORG PRO

TRIP NO.	VESSEL	TOW NUMBER	NET POSITION

COMMON NAME	GENUS	SPECIES	NUMBER	SAMPLE WEIGHT(kg)	SELECT WEIGHT (kg)
				.	.
				.	.
				.	.
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				.	.
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OMB NO. 0648-0345 Approval Expires -

LENGTH FREQUENCY FORM (TARGET SPECIES)
BRD TESTING PROTOCOL

ORG PRO

TRIP NO. | VESSEL | OBSERVER | TOW NUMBER | NET POSITION | Control (C) or Experimental (E)

GENUS / SPECIES / MEAS.CODE

LENGTH (MM)

1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

NUMBER OF BROKEN (UNMEASUREABLE)

GENUS / SPECIES / MEAS.CODE

LENGTH (MM)

1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

NUMBER OF BROKEN (UNMEASUREABLE)

GENUS / SPECIES / MEAS.CODE

LENGTH (MM)

1			
2			
3			
4			
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NUMBER OF BROKEN (UNMEASUREABLE)

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SPECIES CHARACTERIZATION FORM
BRD TESTING PROTOCOL

ORG PRO | TRIP NO. | VESSEL | TOW NUMBER | NET POSITION | Control (C) or Experimental (E)

COMMON NAME	GENUS	SPECIES	NUMBER	SAMPLE WEIGHT(kg)	SELECT WEIGHT (kg)
BROWN SHRIMP	FARFANT	AZTECU		.	.
WHITE SHRIMP	LITOPEN	SETIFE		.	.
PINK SHRIMP	FARFANT	DUORAR		.	.
CRABS, LOBSTERS, ET	CRUSTAC		1	.	.
OTHER INVERTEBRAT	INVERTE		1	.	.
SHARKS (ALL SPECIES	CARCHAR			.	.
TROUT	CYNOSCI			.	.
SNAPPER (OTHER)	LUTJANU			.	.
LANE SNAPPER	LUTJANU	SYNAGR		.	.
CROAKER	MICROPO	UNDULA		.	.
SOUTHERN FLOUNDEI	PARALIC	LETHOS		.	.
BLACK DRUM	POGONIA	CROMIS		.	.
COBIA	RACHYCE	CANADU		.	.
VERMILION SNAPPER	RHOMBOP	AURORU		.	.
RED DRUM	SCIAENO	OCELLA		.	.
SPOTTED SEATROUT	CYNOSCI	NEBULO		.	.
KING MACKEREL	SCOMBER	CAVALL		.	.
SPANISH MACKEREL	SCOMBER	MACULA		.	.
LONGSPINE PORGY	STENOTO	CAPRIN		.	.
OTHER FINFISH-GROU	PISCES		1	.	.
DEBRIS	DEBRIS		1	.	.

OTHER NOT LISTED				
			.	.
			.	.
			.	.

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CONDITION & FATE FORM
BRD TESTING PROTOCOL

ORG PRO | TRIP NO. | VESSEL | TOW NUMBER

CONTROL NET NET POSITION	EXPERIMENTAL NET NET POSITION
CONDITION AND FATE OF BYCATCH PRIOR TO DISCARDING Check the appropriate boxes.	
FISH	**FISH**
☐ MORE THAN 50% OF CATCH ALIVE	☐ MORE THAN 50% OF CATCH ALIVE
☐ MORE THAN 50% OF CATCH DEAD	☐ MORE THAN 50% OF CATCH DEAD
☐ NOT DETERMINED	☐ NOT DETERMINED
☐ NOT OBSERVED	☐ NOT OBSERVED
COMMENTS:	**COMMENTS:**
INVERTEBRATES	**INVERTEBRATES**
☐ MORE THAN 50% OF CATCH ALIVE	☐ MORE THAN 50% OF CATCH ALIVE
☐ MORE THAN 50% OF CATCH DEAD	☐ MORE THAN 50% OF CATCH DEAD
☐ NOT DETERMINED	☐ NOT DETERMINED
☐ NOT OBSERVED	☐ NOT OBSERVED
COMMENTS:	**COMMENTS:**
PREDATORS OBSERVED Refer to the table and choose the appropriate number code for each predator type.	
PREDATORS OBSERVED	**PREDATORS OBSERVED**
☐ SHARKS ☐ OTHER FISH	☐ SHARKS ☐ OTHER FISH
☐ DOLPHINS ☐ SEA BIRDS	☐ DOLPHINS ☐ SEA BIRDS
COMMENTS:	**COMMENTS:**

0 = Predator not present in area.
1 = Predator observed but "not" feeding on organisms exiting BRD.
2 = Predator observed "feeding" on organisms exiting BRD.
3 = Predator observed but couldn't determine (or could not see) if they were feeding on organisms exiting BRD.
9 = Not observed (Observer was not able to check for predator).

ESTIMATED # OF ORGANISMS SEEN EXITING BRD DURING NET RETRIEVAL Check the appropriate boxes.	
☐ (1 - 10) ☐ NONE	☐ (1 - 10) ☐ NONE
☐ (10 - 50) ☐ N/A (BRD closed)	☐ (10 - 50) ☐ N/A (BRD closed)
☐ (50 - 100) ☐ NOT OBSERVED	☐ (50 - 100) ☐ NOT OBSERVED
☐ (100 OR MORE) (or not able to see.)	☐ (100 OR MORE) (or not able to see.)
COMMENTS:	**COMMENTS:**

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STATION SHEET BRD EVALUATION
BRD TESTING PROTOCOL

Station ID#

ORG PRO | TRIP NO. | VESSEL | TOW NO. | OBSERVER | MONTH DAY YEAR DATE

TIME IN | DEGRE MINUTE SECONDS LATITUDE IN | DEGRE MINUTE SECONDS LONGITUDE IN | DEPTH IN (FEET)

TIME OUT | DEGRE MINUTE SECONDS LATITUDE OUT | DEGRE MINUTE SECONDS LONGITUDE OUT | DEPTH OUT (FEET)

HOURS TOWED | KNOTS VESSEL SPEED | STAT ZONE | 1 2 3 4 OPERATION CODE | TOTAL NETS | SEA STATE | NET RETRIEVAL DIRECTION

UP (U), DOWN (D), OR CROSS (C) SEA.

COORDINATOR COMMENTS

Gear ID# | NET POSITION | EXPERIMENTAL (E), or CONTROL (C). | BRD OPEN or BRD CLOSED (circle one) | SAMPLE WEIGHT (kg)

TOTAL CATCH WEIGHT (kg) | SHRIMP TOTAL WEIGHT (kg) | SHRIMP HEAD ON (O), HEAD OFF (X)

Attach length frequency form for red snapper

RED SNAPPER TOTAL WEIGHT (kg) | RED SNAPPER TOTAL NUMBER | NO. OF RED SNAPPER ≤ 100 mm | NO. OF RED SNAPPER >100 mm

Comments:

Gear ID# | NET POSITION | EXPERIMENTAL (E), or CONTROL (C). | BRD OPEN or BRD CLOSED (circle one) | SAMPLE WEIGHT (kg)

TOTAL CATCH WEIGHT (kg) | SHRIMP TOTAL WEIGHT (kg) | SHRIMP HEAD 0N (O), HEAD OFF (X)

Attach length frequency form for red snapper

RED SNAPPER TOTAL WEIGHT (kg) | RED SNAPPER TOTAL NUMBER | NO. OF RED SNAPPER ≤ 100 mm | NO. OF RED SNAPPER >100 mm

Comments:

Characterization sample completed? ☐ YES (Attach species forms). ☐ NO

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to James M. Nance, Ph.D., F/SEC5, NOAA Fisheries, 4700 Avenue U, Galveston, Texas 77553.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. All data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB No. 0649-0345 Approval Expires -

GEAR SPECIFICATION FORM
BRD TESTING PROTOCOL

Gear ID # ____ Control (C) or Experimental (E) ____

ORG PRO ____ TRIP NO. ____ VESSEL ____ TOW NO. ____ MO DY YR ____ DATE ____ NET POSITION ____

SECTION I NET GEAR MEASUREMENTS

NET TYPE AND HEAD/FOOTROPE MEASUREMENTS

Net Type ____
Headrope Length ____ Feet
Footrope Length ____ Feet
Comments ____

LEG LINE MEASUREMENTS

Top Leg Length ____ Feet
Bottom Leg Length ____ Feet
Top Leg Dummy ____ Feet
Bottom Leg Dummy ____ Feet

TRAWL BODY

Type Nylon ____ Poly ____ Spectra ____
Mesh Size ____ Inches
Comments ____

TRAWL EXTENSION

Type Nylon ____ Poly ____ Spectra ____
Mesh Size ____ Inches
Comments ____

COD END

Type Nylon ____ Poly ____ Spectra ____
Mesh Size ____ Inches Twine Size ____
Comments ____

CHAFFING GEAR

Type Whiskers ____ Mesh ____ Metal ____
Comments ____

TICKLER CHAIN

Chain Length ____ Feet
Chain Size (guage) ____ Inches
Comments ____

DOORS

Type Aluminum ____ Wood ____ Other ____
Door Length ____ Feet
Door Height ____ Feet
Dummy Door Length ____ Feet
Comments ____

LAZY LINE

Rigging: Elephant Ears ____ Choke ____
Comments ____

SECTION II BRD MEASUREMENTS

BRD TYPE Fisheye ____ Jones Davis ____ Other ____
Code 1 ____ Code 2 ____ Code 3 ____ Code 4 ____
Fisheye position: Top ____ Offset ____
Codend length (# of meshes): ____
Circumference of the codend (# of meshes): ____
Distance of escape opening from elephant ear or choke rings: ____ Feet ____ Inches
Distance of escape opening from tie off rings: ____ Feet ____ Inches
Number of meshes the fisheye is offset from top center ____
Fisheye (BRD) escape opening: Height ____ Inches Width ____ Inches
Shape of the escape opening: oval, diamond, square, halfmoon, if other
Specify ____

(check one)
Looking from the mouth of the net, is the BRD located in front of, at, or behind the point of attachment of the elephant ears: Front ____ at ____ Behind ____

What is the length of the elephant ear from the point of attachment to the tip of the ring: ____ Inches

Distance from point of attachment of elephant ear to tie off rings ____ Feet ____ Inches

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to James M. Nance, Ph.D., F/SEC5, NOAA Fisheries, 4700 Avenue U, Galveston, Texas 77553.

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SEA TURTLE FORM
BRD TESTING PROTOCOL

ORG PRO | TRIP NO. | VESSEL | TOW NUMBER | NET POSITION

OBSERVER_____ SPECIES_____

TURTLE CAPTURED IN (CIRCLE ONE): 1-TRY NET 2-STANDARD NET (NO TED/BRD)
3-TED NET 4-SIGHTING ONLY
5-TED/BRD NET 6-UNKNOWN

DATE__/__ /__ TIME_____ WATERDEPTH (FT) ____
MO/DY/YR

STATE____

LATITUDE __ __ ° __ __' __ __ "

LONGITUDE ___ ° __ __' __ __ "

TURTLE STATUS (CHECK ONE):
___1 - CAPTURED ALIVE/CONSCIOUS
___2 - CAPTURED ALIVE/UNCONSCIOUS
___3 - CAPTURED FRESH DEAD
___4 - CAPTURED DECOMPOSED DEAD
___5 - SLID OUT MOUTH OF NET DURING RETRIEVAL, ALIVE
___6 - SLID OUT MOUTH OF NET DURING RETRIEVAL, UNKNOWN CONDITION
___7 - SLID OUT MOUTH OF NET DURING RETRIEVAL, DEAD
___8 - UNKNOWN STATUS

TURTLE MEASUREMENTS

	LENGTH	**WIDTH**
CURVED	___ __ _ . ___ **in.**	___ __ _ . ___ **in.**
STRAIGHT	___ __ _ . ___ **in.**	___ __ _ . ___ **in.**

TAG NUMBER (S) THAT YOU PUT ON THE TURTLE _____

TURTLE TAG NUMBER (S) IF PREVIOUSLY TAGGED _____

_____ _____ _____

LIVING TAG (CIRCLE ONE): Y O RN

PHOTOGRAPHED (CIRCLE ONE): Y O RN

COMMENTS: _____

_____

_____

PLEASE COMMENT IF TURTLE APPEARED TO BE ASSOCIATED WITH ANY STRUCTURE, E.G., OIL OR GAS PLATFORM, SHRIMP VESSEL, ETC.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to James M. Nance, Ph.D., F/SEC5, NOAA Fisheries, 4700 Avenue U, Galveston, Texas 77553.

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OMB No. 0648-0345 Approval Expires - 03/31/05

VESSEL INFORMATION FORM
BRD TESTING PROTOCOL

ORG PRO | | | | | | | | | |

TRIP NO. VESSEL

DATE (MO/DY/YR): _____

SEA DATES: _____

OBSERVER NAME: _____ AFFILIATION: _____

VESSEL NAME: _____

VESSEL LENGTH (ft.) _____

VESSEL IDENTIFICATION NUMBER: _____

YEAR VESSEL BUILT: _____

VESSEL TYPE (CIRCLE ONE): FREEZER OR ICE BOAT

MATERIAL OF HULL CONSTRUCTION (CIRCLE ONE):

STEEL WOOD FIBERGLASS

GROSS TONNAGE: _____

HORSEPOWER OF ENGINE: _____

CREW SIZE (WITHOUT CAPTAIN): _____

OWNER NAME: _____

OWNER ADDRESS: _____

_____

CAPTAIN'S NAME: _____

OWNER'S OR CAPTAINS SIGNATURE: _____

POSITION, IF OWNER IS
A CORPORATION OR PARTNER: _____

TEST LOCATION: _____

Public reporting burden for this collection of information is estimated to average 30 minutes for Gulf of Mexico and 30 minutes for South Atlantic per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to James M. Nance, Ph.D., F/SEC5, NOAA Fisheries, 4700 Avenue U, Galveston, Texas 77553.

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northern zone or 48 ft^3 (1.4 m^3) in volume in the middle and southern zones. See § 622.17(b) for specification of the golden crab zones.

(d) Area-specific restrictions--(1) Gulf EEZ. In the Gulf EEZ, a fish trap may be pulled or tended only from official sunrise to official sunset. The operator of a vessel from which a fish trap is deployed in the Gulf EEZ must retrieve all the vessel's fish traps and return them to port on each trip. A fish trap that is not returned to port on a trip, and its attached line and buoy, may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. The owner of such trap and/or the operator of the responsible vessel is subject to appropriate civil penalties. A buoy that floats on the surface must be attached to each fish trap, or to each end trap of traps that are connected by a line, used in the Gulf EEZ. The maximum allowable size for a fish trap fished in the Gulf EEZ shoreward of the 50-fathom (91.4-m) isobath is 33 ft^3 (0.9 m^3) in volume. Fish trap volume is determined by measuring the external dimensions of the trap, and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom (91.4-m) isobath. The maximum number of traps that may be assigned to, possessed, or fished in the Gulf EEZ by a vessel is 100.

(2) South Atlantic EEZ. (i) In the South Atlantic EEZ, sea bass pots may not be used or possessed in multiple configurations, that is, two or more pots may not be attached one to another so that their overall dimensions exceed those allowed for an individual sea bass pot. This does not preclude connecting individual pots to a line, such as a "trawl" or trot line.

(ii) Rope is the only material allowed to be used for a buoy line or mainline attached to a golden crab trap, except that wire cable is allowed for a mainline through December 31, 2002.

§ 622.41 Species specific limitations.

(a) Aquacultured live rock. In the Gulf or South Atlantic EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under § 622.4(a)(3)(iii), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(2) The following restrictions apply to individual aquaculture activities:

(i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(ii) Material deposited on the aquaculture site--

(A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(B) Must be free of contaminants.

(C) Must be nontoxic.

(D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(E) Must be placed from a vessel that is anchored.

(F) In the Gulf EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(G) In the South Atlantic EEZ, must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

(iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(3) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and aquacultured live rock may be harvested only by hand. In addition, the following activities are prohibited in the South Atlantic: Chipping of aquacultured live rock in the EEZ, possession of chipped aquacultured live rock in or from the EEZ, removal of allowable octocoral or prohibited coral from aquacultured live rock in or from the EEZ, and possession of prohibited coral not attached to aquacultured live rock or allowable octocoral, while aquacultured live rock is in possession. See the definition of "Allowable octocoral" for clarification of the distinction between allowable octocoral and live rock. For the purposes of this paragraph (a)(3), chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

(4) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone (727) 570-5344:

(i) Permit number of site to be harvested and date of harvest.

(ii) Name and official number of the vessel to be used in harvesting.

(iii) Date, port, and facility at which aquacultured live rock will be landed.

(b) Caribbean reef fish. A marine aquarium fish may be harvested in the Caribbean EEZ only by a hand-held dip net or by

a hand-held slurp gun. For the purposes of this paragraph, a hand-held slurp gun is a device that rapidly draws seawater containing fish into a self-contained chamber, and a marine aquarium fish is a Caribbean reef fish that is smaller than 5.5 inches (14.0 cm), TL.

(c) Coastal migratory pelagic fish--(1) Authorized gear. Subject to the prohibitions on gear/methods specified in § 622.31, the following are the only fishing gears that may be used in the Gulf, Mid-Atlantic, and South Atlantic EEZ in directed fisheries for coastal migratory pelagic fish:

(i) King mackerel, Atlantic migratory group--

(A) North of 34°37.3' N. lat., the latitude of Cape Lookout Light, NC--all gear except drift gillnet and long gillnet.

(B) South of 34°37.3' N. lat.--automatic reel, bandit gear, handline, and rod and reel.

(ii) King mackerel, Gulf migratory group--hook-and-line gear and, in the southern Florida west coast subzone only, run-around gillnet. (See § 622.42(c)(1)(i)(A)(3) for a description of the southern Florida west coast subzone.)

(iii) Spanish mackerel, Atlantic migratory group--automatic reel, bandit gear, handline, rod and reel, cast net, run-around gillnet, and stab net.

(iv) Spanish mackerel, Gulf migratory group--all gear except drift gillnet, long gillnet, and purse seine.

(v) Cobia in the Mid-Atlantic and South Atlantic EEZ and little tunny in the South Atlantic EEZ south of 34°37.3' N. lat.--automatic reel, bandit gear, handline, rod and reel, and pelagic longline.

(vi) Cero in the South Atlantic EEZ and little tunny in the South Atlantic EEZ north of 34°37.3' N. lat.--all gear except drift gillnet and long gillnet.

(vii) Bluefish, cero, cobia, dolphin, and little tunny in the Gulf EEZ--all gear except drift gillnet and long gillnet.

(2) Unauthorized gear. Gear types other than those specified in paragraph (c)(1) of this section are unauthorized gear and the following possession limitations apply:

(i) Long gillnets. A vessel with a long gillnet on board in, or that has fished on a trip in, the Gulf, Mid-Atlantic, or South Atlantic EEZ may not have on board on that trip a coastal migratory pelagic fish.

(ii) Drift gillnets. A vessel with a drift gillnet on board in, or that has fished on a trip in, the Gulf EEZ may not have on board on that trip a coastal migratory pelagic fish.

(iii) Other unauthorized gear. Except as specified in paragraph (c)(2)(iv) of this section, a person aboard a vessel with unauthorized gear other than a drift gillnet in the Gulf EEZ or a long gillnet on board in, or that has fished in, the EEZ where such gear is not authorized in paragraph (c)(1) of this

section, is subject to the bag limit for king and Spanish mackerel specified in § 622.39(c)(1)(ii) and to the limit on cobia specified in § 622.32(c)(1).

(iv) Exception for king mackerel in the Gulf EEZ. The provisions of this paragraph (c)(2)(iv) apply to king mackerel taken in the Gulf EEZ and to such king mackerel possessed in the Gulf. Paragraph (c)(2)(iii) of this section notwithstanding, a person aboard a vessel that has a valid commercial permit for king mackerel is not subject to the bag limit for king mackerel when the vessel has on board on a trip unauthorized gear other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone. Thus, the following applies to a vessel that has a commercial permit for king mackerel:

(A) Such vessel may not use unauthorized gear in a directed fishery for king mackerel in the Gulf EEZ.

(B) If such a vessel has a drift gillnet or a long gillnet on board or a run-around gillnet in an area other than the southern Florida west coast subzone, no king mackerel may be possessed.

(C) If such a vessel has unauthorized gear on board other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone, the possession of king mackerel taken incidentally is restricted only by the closure provisions of § 622.43(a)(3) and the trip limits specified in § 622.44(a). See also paragraph (c)(4) of this section regarding the purse seine incidental catch allowance of king mackerel.

(3) Gillnets--(i) King mackerel. The minimum allowable mesh size for a gillnet used to fish in the Gulf, Mid-Atlantic, or South Atlantic EEZ for king mackerel is 4.75 inches (12.1 cm), stretched mesh. A vessel in such EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 4.75 (12.1 cm) inches, stretched mesh, may not possess on that trip an incidental catch of king mackerel that exceeds 10 percent, by number, of the total lawfully possessed Spanish mackerel on board.

(ii) Spanish mackerel. (A) The minimum allowable mesh size for a gillnet used to fish for Spanish mackerel in the Gulf, Mid-Atlantic, or South Atlantic EEZ is 3.5 inches (8.9 cm), stretched mesh.

(1) A vessel in the Gulf EEZ, or having fished on a trip in the Gulf EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may not possess on that trip any Spanish mackerel.

(2) A vessel in the South Atlantic or Mid-Atlantic EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh,

may possess or land on the day of that trip no more than 500 lb (227 kg) of incidentally caught Spanish mackerel.

(B) On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary--

(1) No person may fish with, set, place in the water, or have on board a gillnet with a float line longer than 800 yd (732 m).

(2) No person may fish with, set, or place in the water more than one gillnet at any one time.

(3) No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm).

(4) No person may soak a gillnet for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water.

(5) The float line of each gillnet possessed, including any net in use, must have the distinctive floats specified in § 622.6(b)(2).

(4) Purse seine incidental catch allowance. A vessel in the EEZ, or having fished in the EEZ, with a purse seine on board will not be considered as fishing, or having fished, for king or Spanish mackerel in violation of a prohibition of purse seines under paragraph (c)(2) of this section, in violation of the possession limits under paragraph (c)(2)(iii) of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 622.43(a), provided the king mackerel on board does not exceed 1 percent, or the Spanish mackerel on board does not exceed 10 percent, of all fish on board the vessel. Incidental catch will be calculated by number and/or weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the quotas provided for under § 622.42(c) and are subject to the prohibition of sale under § 622.43(a)(3)(iii).

(d) South Atlantic snapper-grouper--(1) Authorized gear. Subject to the gear restrictions specified in § 622.31, the following are the only gear types authorized in a directed fishery for snapper-grouper in the South Atlantic EEZ: Bandit

gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(2) Unauthorized gear. All gear types other than those specified in paragraph (d)(1) of this section are unauthorized gear and the following possession and transfer limitations apply.

(i) A vessel with trawl gear on board that fishes in the EEZ on a trip may possess no more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, in or from the EEZ on that trip. It is a rebuttable presumption that a vessel with more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, on board harvested such fish in the EEZ.

(ii) Except as specified in paragraphs (d)(3) through (d)(5) of this section, a person aboard a vessel with unauthorized gear on board, other than trawl gear, that fishes in the EEZ on a trip is limited on that trip to:

(A) South Atlantic snapper-grouper species for which a bag limit is specified in § 622.39(d)(1)--the bag limit.

(B) All other South Atlantic snapper-grouper--zero.

(iii) South Atlantic snapper-grouper on board a vessel with unauthorized gear on board may not be transferred at sea, regardless of where such transfer takes place, and such snapper-grouper may not be transferred in the EEZ.

(iv) No vessel may receive at sea any South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in paragraph (d)(2)(iii) of this section.

(3) Possession allowance regarding sink nets off North Carolina. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina with a sink net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(3), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

(4) Possession allowance regarding bait nets. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with no more than one bait net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(4), a bait net is a gillnet not exceeding 50 ft (15.2 m) in length or 10 ft (3.1 m) in height with stretched mesh measurements of 1.5 inches (3.8 cm) or smaller that is attached to the vessel when deployed.

(5) Possession allowance regarding cast nets. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with a cast net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(5), a cast net is a cone-shaped net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

(6) Longline species limitation. A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ on a trip with a longline on board, may possess only the following South Atlantic snapper-grouper: snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(e) South Atlantic golden crab. Traps are the only fishing gear authorized in directed fishing for golden crab in the South Atlantic EEZ. Golden crab in or from the South Atlantic EEZ may not be retained on board a vessel possessing or using unauthorized gear.

(f) Caribbean queen conch. In the Caribbean EEZ, no person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface.

(g) Penaeid shrimp in the South Atlantic--(1) BRD requirement. Except as exempted in paragraph (g)(3)(ii) of this section, on a penaeid shrimp trawler in the South Atlantic EEZ, each trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m), must have a certified BRD installed. A trawl net, or try net, is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(2) Certified BRDs. The following BRDs are certified for use by penaeid shrimp trawlers in the South Atlantic EEZ. Specifications of these certified BRDs are contained in Appendix D of this part.

(i) Extended funnel.

(ii) Expanded mesh.

(iii) Fisheye.

(3) Certification of BRDs--(i) A person who seeks to have a BRD certified for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit to the RA the results of the test conducted and recorded in accordance with the Testing Protocol for BRD Certification, which along with forms and procedures, is included in the Bycatch Reduction Device Testing Protocol Manual which is available from the SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, and from the RA. A BRD that meets the certification criterion, as determined under the Testing Protocol for BRD Certification, will be added to the list of certified BRDs in paragraph (g)(2) of this section.

(ii) A penaeid shrimp trawler that is authorized to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with the Testing Protocol for BRD Certification is granted a limited exemption from the BRD requirement specified in paragraph (g)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

(h) Shrimp in the Gulf--(1) BRD requirement. (i) West of 85°30' W. long.. On a shrimp trawler in the Gulf EEZ west of 85°30' W. long. and shoreward of the 100-fathom (183-m) depth contour, each net that is rigged for fishing must have a certified BRD listed in paragraph (h)(2)(i) of this section installed, unless exempted as specified in paragraphs (h)(1)(iii) through (v) or paragraph (h)(3)(iii) of this section.

(ii) East of 85°30' W. long.. On a shrimp trawler in the Gulf EEZ east of 85°30' W. long., each net that is rigged for fishing must have a certified BRD listed in paragraph (h)(2)(ii) of this section installed, unless exempted as specified in paragraphs (h)(1)(iii) through (v) or paragraph (h)(3)(iii) of this section.

(iii) A shrimp trawler is exempt from the requirement to have a certified BRD installed in each net provided that at least 90 percent (by weight) of all shrimp on board or offloaded from such trawler are royal red shrimp.

(iv) A shrimp trawler is exempt from the requirement to have a BRD installed in a single try net with a headrope length of 16 ft (4.9 m) or less provided the single try net is either pulled immediately in front of another net or is not connected to another net.

(v) A shrimp trawler is exempt from the requirement to have a certified BRD installed in up to two rigid-frame roller trawls that are 16 ft (4.9 m) or less in length used or possessed on

board. A rigid-frame roller trawl is a trawl that has a mouth formed by a rigid frame and a grid of rigid vertical bars; has rollers on the lower horizontal part of the frame to allow the trawl to roll over the bottom and any obstruction while being towed; and has no doors, boards, or similar devices attached to keep the mouth of the trawl open.

(vi) A trawl net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(2) Certified BRDs. The following BRDs are certified for use by shrimp trawlers in the respective areas of the Gulf EEZ specified in paragraphs (h)(2)(i) and (ii) of this section. Specifications of these certified BRDs are contained in Appendix D to this part.

(i) West of 85°30' W. long..

(A) Fisheye.

(B) Gulf fisheye.

(C) Jones-Davis.

(ii) East of 85°30' W. long..

(A) Fisheye.

(B) Gulf fisheye.

(C) Jones-Davis.

(D) Extended funnel.

(E) Expanded mesh.

(3) Procedures for certification of additional BRDs. The process for the certification of additional BRDs consists of two phases--an optional pre-certification phase and a required certification phase.

(i) Pre-certification. The pre-certification phase allows a person to test and evaluate a new BRD design for up to 60 days without being subject to the observer requirements and rigorous testing requirements specified for certification testing in the Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual.

(A) A person who wants to conduct pre-certification phase testing must submit an application, as specified in the Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual, to the RA. The Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual, which is available from the RA, upon request, contains the application forms.

(B) After reviewing the application, the RA will determine whether to issue a letter of authorization (LOA) to conduct pre-certification trials upon the vessel specified in the application. The RA will issue a pre-certification phase LOA if the BRD design is substantially unlike any BRD design previously determined not to meet the BRD certification criterion or, if the design is substantially similar to a BRD design previously

determined not to meet the BRD certification criteria, and the application demonstrates that the design could meet the certification criterion through design revision or upon retesting (e.g., the application shows that statistical results could be improved upon retesting by such things as using a larger sample size than that previously used). If the RA authorizes pre-certification, the RA's letter of authorization must be on board the vessel during any trip involving the BRD testing.

(ii) Certification. A person who proposes a BRD for certification for use in the Gulf EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual. The RA will issue a LOA to conduct certification trials upon the vessel specified in the application if the RA finds that: The test plan meets the requirements of the protocol; the observer identified in the application is qualified and has no current or prior financial relationship with the entity seeking BRD certification; the application presents a BRD candidate substantially unlike BRDs previously determined not to meet the current bycatch reduction criterion, or the applicant has shown good cause for reconsideration (such as the likelihood of improved statistical results yielded from a larger sample size than that previously used); and for BRDs not previously tested for certification, the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If authorization to conduct certification trials is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies resulting in the denial. If a BRD meets the certification criterion, as determined under the testing protocol, NMFS will publish a notice in the Federal Register adding the BRD to the list of certified BRDs in paragraph (h)(2) of this section providing the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(iii) A shrimp trawler that is authorized to participate in the pre-certification phase or to test a BRD in the EEZ for possible certification has such written authorization on board and is conducting such test in accordance with the Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual is granted a limited exemption from the BRD requirement specified in paragraph (h)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 12, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–23284 Filed 10–15–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101304C]

Proposed Information Collection; Comment Request; Southeast Region Bycatch Reduction Device Certification Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 17, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to James M. Nance, Ph.D., F/SEC5, NOAA Fisheries, 4700 Avenue U, Galveston, TX 77551–5997 (phone 409–766–3507).

SUPPLEMENTARY INFORMATION:

I. Abstract

Bycatch Reduction Devices (BRDs) are used in shrimp trawls in the Exclusive Economic Zone (EEZ) to reduce the bycatch of other species. Only BRDs certified by the NOAA Fisheries can be used. Persons seeking to get certification from NOAA Fisheries for BRDs must submit information showing that testing proves the effectiveness of the equipment.

II. Method of Collection

The information is submitted in paper form.

III. Data

OMB Number: 0648–0345.

Form Number: None.

Type of Review: Regular submission

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 45.

Estimated Time Per Response: 140 minutes for an application for pre-certification testing or for certification testing; 20 minutes for a Station Sheet (Gulf of Mexico); 50 minutes for a station sheet bycatch reduction device evaluation form (South Atlantic); 20 minutes for a Condition and Fate form; 30 minutes for a gear specification form (South Atlantic); 20 minutes for a gear specification form (Gulf of Mexico); 20 minutes for a length frequency form (Gulf of Mexico); 50 minutes for a length frequency form (South Atlantic); 5 hours for a species characterization form; 20 minutes for a BRD specification form (Gulf of Mexico); 20 minutes for a vessel information form (Gulf of Mexico); and 30 minutes for a vessel information form (South Atlantic).

Estimated Total Annual Burden Hours: 5,679

Estimated Total Annual Cost to Public: $338,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 12, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–23285 Filed 10–15–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101304B]

Proposed Information Collection; Comment Request; 2005 Coastal Resource Management Customer Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 17, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tom Fish at NOAA Coastal Services Center, (843) 740-1271 or *Tom.Fish@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This survey will be used by the NOAA Coastal Services Center to obtain information from our customers about their natural resource management